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Reviewed work(s):

Source: Albion: A Quarterly Journal Concerned with British Studies, Vol. 10, No. 4 (Winter,

1978), pp. 330-340

Published by: The North American Conference on British Studies

Stable URL: http://www.jstor.org/stable/4048164

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## Royal Acts of Mutilation: The Case Against Henry I\*

## C. Warren Hollister

The subject of mutilations is one I would cheerfully have left to others were it not for its bearing on the character of King Henry I. The sources for his reign disclose a number of instances in which alleged wrongdoers were punished by mutilation, and these punishments have earned Henry a somber reputation among modern historians. Christopher Brooke calls him a "savage, ruthless man"; Emma Mason deplores his "reign of calculated terror"; R.H.C. Davis speaks of his "reputation for brutality." To Sir Richard Southern, "Henry's vengeance was terrible and barbaric . . . . He had a morbid dislike of ridicule and he punished with a Byzantine ferocity already outmoded in the humaner society of feudal France, not only treachery and rebellion but slights to his dignity and honour."

Perhaps the best known contemporary mutilation story comes from the 1125 account in the Anglo-Saxon Chronicle, where it is disclosed that Henry had the minters of England castrated and deprived of their right hands. We learn of Henry's morbid dislike of ridicule from an event of about the same time reported by the Norman monk, Orderic Vitalis. Henry had ordered the blinding of three captive rebels when Count Charles the Good of Flanders, who happened to be visiting, protested that it was unjust to mutilate prisoners captured in the service of their lords. Henry replied:

I act rightly, lord count, and will prove it to you by good reason. Geoffrey and Odard rendered me homage with the consent of their lords, and in violating their faith to me they perjured themselves of their own free will and have thus incurred the penalty of death or mutilation . . . . Luke,

\*I am grateful to the National Endowment for the Humanities, the John Simon Guggenheim Memorial Foundation, the American Council of Learned Societies, the Social Science Research Council, the Fulbright Commission, the American Philosophical Society, and the Warden and Fellows of Merton College, Oxford, for their help in supporting the research on which this paper is based.

<sup>1</sup>Christopher Brooke, London, 800-1216: The Shaping of a City (Berkeley, 1975), p. 317; Emma Mason, "William Rufus: Myth and Reality," Journal of Medieval History, 3 (March 1977):15; R. H. C. Davis, King Stephen (Berkeley, 1967), pp. 5-6; and Richard W. Southern, Medieval Humanism and Other Studies (Oxford, 1970), pp. 218 and 231.

to be sure, never did me homage, but he was in arms against me at Pont Audemer, and afterwards when peace was concluded, I pardoned the garrison and let them depart freely with their horses, arms, and possessions. But Luke rejoined my enemies at once and, with them, raised up new hostilities against me . . . . And besides, that jesting clown wrote off-color songs about me and sang them in public to insult me, making me the laughing-stock of my enemies . . . . <sup>2</sup>

If this is the best defense that Henry can summon up, he would seem at first glance to be condemned by his own words. But such judgment betrays an over-hasty reading of the text and insufficient appreciation of its context. Mutilation stories of this kind, however blood-curdling and revolting, cannot always be used to judge the moral character or psychological peculiarities of the rulers who inflicted them. I will return to the Orderic passage after exploring the wider legal and perceptural context in which King Henry was functioning.

Death and mutilation were standard punishments for major crimes throughout medieval Europe, and in many other societies and times as well. In medieval Christendom such punishments could be viewed as appropriate to evildoers who, unless they reformed, would one day experience the far more horrible torments of hell. These torments were vividly portrayed in contemporary sermons and contemporary art: the suffering sinners in Last Judgment scenes at Conques. Autun, and elsewhere; the illumination in Henry of Blois' Psalter showing an angel locking the damned into the mouth of hell—to burn with Judas "in the devouring flames and blazing tortures in punishment without end." According to popular belief, God could mutilate sinners here on earth. William of Malmesbury tells of a mason of Worcester who, refusing to make peace with a fellow townsman, had his scaffold broken under him by God's power and was crippled for life. Suger of Saint-Denis reports that the lord of Chaumont, having disturbed the lands of Notre Dame of Rouen, was struck with a dreadful malady and died after long and agonizing suffering, "learning even though too late what is owed to the Queen of Heaven."5

The king, by virtue of his holy anointment, ruled as God's regent. Just as God loved the poor and the good and punished the wicked, so too was the king expected to protect the defenseless and smite evildoers. St. Anselm spoke for many when he advised Alexander king

Orderic Vitalis, *Historia Ecclesiastica*, ed. A. Le Prévost, 5 vols. (Paris, 1852), 4:460-61.

<sup>&</sup>lt;sup>3</sup>These words are taken from a charter of King Athelstan: Early Yorkshire Charters, ed. William Farrer and C.T. Clay, 12 vols. (Edinburgh, 1914-65), 1:no. 1.

William of Malmesbury, Vita Wulfstani, ed. R. R. Darlington (London, 1928), p. 40. Suger, Vie de Louis VI le Gros, ed. Henri Waquet (Paris, 1964), p. 194.

of Scots to rule with a blend of gentle kindness and strict justice: "Behave in such a way," Anselm urged, "that the bad shall fear you and the good love you." It was the king's obligation to protect the church, widows, orphans, and other defenseless subjects by acting with severity toward those who would oppress them. Thus, Suger asserts that it is a king's right and duty to repress the boldness of tyrants whenever they are seen to do harm in war, or to rejoice in devastation, or to oppress the poor and destroy churches."

These notions, which recur throughout the Middle Ages, have their roots in the Old Testament. Isaiah's prophecy on the coming of the virtuous king portrays a ruler both compassionate and stern: "His word is a rod that strikes the ruthless; his sentences bring death to the wicked" (2:4). And God himself is made to say, "I crushed the people in my fury, trampled them in my anger, and made the juice of them run all over the ground" (63:6). These Old Testament images recur in the Book of Revelation, where Christ—the "judge with integrity," and "warrior for justice"—is described as wearing a blood-soaked cloak: "From his mouth came a sharp sword with which to strike pagans; he is the one who will rule them with an iron scepter and tread out the wine of Almighty God's fierce anger" (19:11-15).

It was as God's regent, as the figure of the virtuous king wielding his iron scepter, that Henry I promised at his coronation to enforce the laws against treason and felony and to maintain firm peace throughout his kingdom. His sacred obligation to punish wrongdoers in order to protect the weak finds vivid iconographic expression in the seal of his itinerant justice, Richard Basset: an armored knight drives his sword into the face of a griffin who grasps in his beak a naked, defenseless man. Such, symbolically, was the stern duty of a royal justice in the service of a virtuous king.

In an age with few prisons and without police, severe punishment was regarded as an essential deterrent to such serious offenses as treason, murder, rape, arson, and theft. By ancient custom, crimes of this sort put their perpetrators at the king's mercy, and the penalty

Anselm of Canterbury, *Opera Omnia*, ed. F. S. Schmitt, 6 vols. (Edinburgh, 1946-61), 5:Ep. 413.

<sup>&</sup>lt;sup>7</sup>Suger, Louis VI, pp. 172-74.

<sup>&</sup>lt;sup>a</sup>Cf. Genesis 49:9-12; Jeremiah 25:30; Proverbs 2:22; 2 Thessalonians 1:8; and Revelations 20:14.

<sup>&#</sup>x27;Henry I's Coronation Charter, Chapters 8 and 12, from Select Charters, ed. William Stubbs, 9th ed. (Oxford 1913), p. 119.

<sup>&</sup>lt;sup>10</sup>Sir Christopher Hatton, Book of Seals, to Which is Appended a Select List of the Works of Frank Merry Stenton, ed. Lewis C. Loyd and Doris M. Stenton (Oxford, 1950), Pl. III.

was normally death or mutilation. Of the two, mutilation was regarded as the less severe. Suger relates that King Henry acted mercifully toward a chamberlain who had plotted to assassinate him, having the chamberlain blinded and castrated, rather than hanged as he deserved.<sup>11</sup> And Glanvill makes the contrast between capital offenses and lesser crimes which were "to be more leniently dealt with . . . where punishment of the guilty involves only loss of limbs."<sup>12</sup>

In Germanic law, treason against one's lord was the supreme offense.<sup>13</sup> The laws of King Alfred allow no mercy to a person guilty of treason, because Christ himself adjudged no mercy to Judas who sold him to death.<sup>14</sup> Accordingly, the laws of Alfred and his successors assign the death penalty to anyone convicted of plotting against the king.<sup>15</sup> By the time of Athelstan, false minting had come to be regarded as a kind of treason, as it had earlier been regarded in Roman law.<sup>16</sup> For that crime, too, the Anglo-Saxon dooms set the penalty of death or mutilation, as did the laws of Byzantium, Islam, and the other kingdoms of the early and later medieval West: in ancient Rome, counterfeiters were executed; in thirteenth-century France they were regularly boiled alive in a cauldron.<sup>17</sup> More generally, "slander of the king" was unemendable by a money payment. The Leges Henrici Primi, an unofficial treatise reflecting established custom, includes among those crimes punishable by death or mutilation

<sup>&</sup>lt;sup>11</sup>Suger, Louis VI, p. 190.

<sup>&</sup>quot;Ranulf de Glanvill, De Legibus Consuetudinibus Regni Anglie, ed. G. D. G. Hall (London, 1965), pp. 176-77. The same point was made by the East Roman Emperor Leo III (R.S. Lopez, "Byzantine Law in the Seventh Century and its Reception by the Germans and the Arabs," Byzantion, 16 [1942-43]:456.) See also "The Ten Articles of William I," in The Laws of the Kings of England from Edmund to Henry I, ed. A. J. Robertson (Cambridge, 1925), p. 242. The laws of the Saxon and Norman kings are published in Die Gesetze der Angelsachsen, ed. Felix Liebermann, 3 vols. (Halle, 1898-1916), Vol. 1; more convenient editions, with facing English translations, are The Laws of the Earliest English Kings, ed. F. L. Attenborough (Cambridge, 1922), and Robertson, The Laws of the Kings of England.

<sup>&</sup>lt;sup>13</sup>See F.D. Lear, Treason in Roman and Germanic Law (Austin, Texas, 1965.)

<sup>&</sup>lt;sup>14</sup>Laws of Alfred, Introduction, cap. 49, in Liebermann, Die Gesetze, 1:15-89.

<sup>&</sup>lt;sup>13</sup>Alfred 4, 1-2, in Attenborough, pp. 64-66; 2 Athelstan 4, in ibid., p. 130; 5 Aethelred 30, in Robertson, p. 86; 6 Aethelred 37, in ibid., p. 102; 2 Canute 57, in ibid., p. 204.

<sup>&</sup>lt;sup>16</sup>Lear, Treason, p. 189; Glanvill, *De Legibus*, pp. 176-177; and Frederick Pollock and F. W. Maitland, *The History of English Law*, 2 vols. (Cambridge, 1968), 2:505. <sup>17</sup>2 Athelstan 14, 1, in Attenborough, p. 134; 3 Aethelred 8, in Robertson, p. 68; Gal-

bert of Bruges, *The Murder of Charles the Good, Count of Flanders*, trans. and ed. James B. Ross (New York, 1967), p. 17, n. 73; Lopez, "Byzantine Law," pp. 448-56. In states in which the prince enjoyed a monopoly on coining, counterfeiting could be regarded as a crime of *lèse majesté* (ibid., p. 449.)

any contempt or slander of the king's person—along with treason, arson, murder, major theft, robbery, and false coining.<sup>18</sup>

The punishment of such crimes by loss of life or limbs likewise occurs in the laws of Normandy, both before and long after Henry's reign.<sup>19</sup> The same penalties are to be found in the laws of France, where death or mutilation for major crimes runs, for example, through the *Etablissements* of St. Louis.<sup>20</sup> One finds these penalties in the assizes of Henry II and in Glanvill, who deals at length with treason and other felonies punishable at the king's will by execution or loss of limbs.<sup>21</sup> Punishment for treason became even more severe in thirteenth and fourteenth century England with the introduction of drawing and quartering, disembowelling, and burning at the stake.<sup>22</sup> As late as 1637 William Prynne and two fellow Puritan writers were pilloried and shorn of their ears for publishing libels against the state.<sup>23</sup>

One encounters similar penalties in the laws of pre-modern China, India, and Islam. The Koran states that those who create violence or corruption "will be killed or crucified, or have their hands and feet on opposite sides cut off, or be expelled from the land" (5:33), and that thieves should have their hands amputated as "an exemplary punishment from Allah" (5:38). (This last punishment was reintroduced by the government of Pakistan in 1977: a police chief in Rawalpindi told an Associated Press reporter, "People are really terrified . . . . Normally we have ten or twelve serious crimes a day but we have had almost none since this announcement.")<sup>24</sup>

Muhammad's views on mutilation would have shocked few medieval churchmen. Gratian, drawing in part from earlier canonical tradition, allows the practice of mutilation and execution even to men

<sup>&</sup>quot;Leges Henrici Primi, ed. L. J. Downer (Oxford, 1972), pp. 108 (10, 1), 116 (13, 1, 3.) Cf. ibid., pp. 114 (11, 16a), 164 (49, 7), and 232 (75, 1.)

<sup>&</sup>lt;sup>19</sup>Consuetudines et Iusticie of 1091: 1-2, 8, 13; Charles H. Haskins, Norman Institutions (Cambridge, Mass., 1918), pp. 28-29 and 280; Lucien Valin, Le Duc de Normandie et sa cour (Paris, 1910), pp. 187 and 247; and Coutumiers de Normandie, ed. E.-J. Tardif (Rouen, 1881), p. 64.

<sup>&</sup>lt;sup>20</sup>Les Etablissements de Saint Louis, ed. P. Viollet, 4 vols. (Paris, 1881-86), 2:55.

<sup>&</sup>lt;sup>21</sup>De Legibus, pp. 171-77. See also W. L. Warren, Henry II (Berkeley, 1973), p. 355 on the Assizes of Clarendon and Northampton.

<sup>&</sup>lt;sup>22</sup>Pollock and Maitland, History of English Law, 2:500-01.

<sup>&</sup>lt;sup>23</sup>William Haller, *The Rise of Puritanism* (New York, 1938), pp. 249-54. On the use of torture by tribunals in early-modern Europe, see A. W. B. Simpson, *Torture and the Law of Proof* (Chicago, 1978).

<sup>&</sup>lt;sup>24</sup>Associated Press report in *The Los Angeles Times*, July 14, 1977, Part 1, p. 13. On mutilation in China, see A. F. P. Hulsewé, *Remnants of Han Law*, 9 vols. (Leiden, 1955), 1:122-28.

in holy orders so long as it is done as a legitimate exercise of political authority: "It is permitted," Gratian writes, "not only to whip evildoers, but also to kill them."25 And Suger of Saint-Denis, speaking for the society of feudal France, reports that when King Louis VI, by divine intervention, captured the castle of Crécy he piously massacred the whole garrison, mercilessly beheading them because they themselves had been merciless.26 Suger makes it clear in this regard that Louis was performing the proper duties of a king who, according to St. Paul, "does not bear the sword in vain."27 On hearing that Guy lord of la Roche-Guyon had been murdered by his brother-inlaw William, "King Louis, by solemn order of the king's majesty, ordered that the crime should be punished by the most humiliating and drawn-out form of death." The punishment was imposed on William and his followers alike. It involved "castrating some, slowly disembowelling others, drawing out their agonies gently and cruelly with the most exquisite tortures. Nor should it be doubted," Suger adds, "that God's hand made such swift vengeance possible."28

Not every clerical writer savored the avenging of wickedness quite to the degree that Suger did. But all would have agreed that kings were bound by sacred duty to enforce peace and curb violence and treachery by means that strike us today as brutal. The notion that severe punishment deters criminal acts, although seriously questioned in our own time, was universally accepted in the Middle Ages. Thus, Eadmer of Canterbury lauds Henry I for putting an end to looting and devastation among members of the itinerant royal court by threatening future transgressors with blinding and loss of limbs. Eadmer adds that Henry, at the same time, reestablished the practice of mutilating minters of false coins, which were "harming many people in many ways." Henry took these measures, Eadmer declares, on the advice of Archbishop Anselm and the nobles of the realm, "to alleviate the kingdom's suffering," and from them "great good immediately resulted." Similarly Robert of Torigny—monk of Bec

<sup>&</sup>lt;sup>25</sup>Stanley Chodorow, Christian Political Theory and Church Politics in the Mid-Twelfth Century: The Ecclesiology of Gratian's Decretum (Berkeley, 1972), pp. 235-36 and 238.

<sup>&</sup>lt;sup>26</sup>Suger, Louis VI, p. 176.

<sup>&</sup>quot;Ibid., p. 178; and Romans 13:4. See also Gabrielle M. Spiegel, The Chronicle Tradition of Saint-Denis: A Survey (Brookline, Mass., 1978), p. 45: Suger's Life of Louis VI "presents the Capetian monarch as the realization of the highest ideals and goals of medieval kingship, as an example to present and future rulers . . . ."

<sup>&</sup>lt;sup>28</sup>Suger, Louis VI, pp. 118-20.

<sup>&</sup>lt;sup>39</sup>Eadmer, *Historia Novorum*, ed. Martin Rule, Rolls Series (London, 1884), pp. 192-93. Eadmer's words on this episode are echoed in Florence of Worcester, *Chronicon ex Chronicis*, ed. Benjamin Thorpe, 2 vols. (London, 1848-49), 2:57.

and later abbot of Mont-Saint-Michel—praises King Henry for keeping the peace in Normandy, preventing his enemies "by the point of the sword from plundering churches and the poor." The Peterborough monk who reports the mutilation of English moneyers in 1125 adds that "it was done very justly because they had ruined the whole country with their great false-dealing."

Clerical writers thus accepted without question both the practice of royal mutilations and their necessity. The Peterborough chronicler describes in pitiable detail the rampage of destruction that broke out under King Stephen when wicked men saw that he "did not exact the full penalties of the law."32 But these same writers were equally prepared to condemn punishments if they exceeded the limits of the law. or were imposed upon the innocent. They drew a distinction between legitimate penalties and atrocities motivated by anger or sadistic impulse. Thus, Guibert of Nogent castigates Thomas de Marle for personally flaying his prisoners and hanging them by their thumbs or testicles.<sup>33</sup> Orderic charges Robert de Bellême with subjecting his captives to unheard-of tortures of his own invention, and afterwards joking about them to his henchmen.34 These stories, insofar as they can be believed, suggest that Thomas de Marle and Robert de Bellême were indeed ruthless and savage men. Orderic finds it startling that Robert preferred murdering his captives through torture to collecting their ransoms.35 Torture was not wrong in itself, as Suger's accounts of Louis VI's reprisals make clear, but torture without just cause was unacceptable and repugnant:36 and torture at the expense of ransom money was the mark of a twisted mind.

Suger himself is prepared to grant his patron Louis VI extraordinary leeway in avenging wrongs. He writes approvingly of Louis' having a Flemish rebel suspended from a gallows alongside a mad

<sup>&</sup>lt;sup>30</sup>William of Jumièges, Gesta Normannorum Ducum, ed. Jean Marx (Rouen, 1914), p. 296.

<sup>&</sup>lt;sup>31</sup>Anglo-Saxon Chronicle, A.D. 1125.

<sup>&</sup>lt;sup>32</sup>Ibid., A.D. 1137.

<sup>&</sup>quot;Guibert, Histoire de sa Vie, ed. Geroges Bourgin (Paris, 1907), pp. 178-79. Cf. Suger, Louis VI, pp. 30 and 172-74.

<sup>&</sup>lt;sup>34</sup>Orderic Vitalis, *Ecclesiastical History*, ed. Marjorie Chibnall, 4 vols. (Oxford, 1969-75), 4:298; cf. 4:158-60, and William of Malmesbury, *Gesta Regum Anglorum*, ed. William Stubbs, Rolls Series, 2 vols. (London, 1887-89), pp. 475-76.

<sup>35</sup> Orderic Vitalis, Ecclesiastical History, ed. Chibnall, 4:298.

<sup>&</sup>lt;sup>34</sup>Robert and Thomas have both found defenders in our own century: see Le Vicomte du Motey, Robert II de Bellême et son temps (Paris, 1923); and Jacques Chaurand, Thomas de Marle, Sire de Coucy (Marle, 1963.)

dog and eaten alive.<sup>37</sup> But many contemporary churchmen would have condemned such methods of peacekeeping, even if done by royal command. Despite their sacred obligation to chastise the wicked, great princes too could mutilate unjustly. To give only a few examples, William the Conqueror, as duke of Normandy, punished the townsmen who had defended Alencon against him in the early 1050s by having their hands and feet cut off; Henry II observed the unsuccessful outcome of an expedition into Wales by mutilating and hanging twenty-two innocent Welsh hostages; 38 Louis VII, in a fit of anger, personally hacked off the hands of Queen Eleanor's unfaithful vassals in the Talmont;39 Richard the Lion-Hearted put out the eyes of eighty Gascon captives; 40 William Clito count of Flanders presided over a seemingly endless chain of grisly tortures and agonizing executions following upon the murder of his predecessor in 1127 -the vengeance extending beyond the murderers themselves to their followers, innocent or not.41

Henry I was also accused by contemporaries of unjust mutilations, but only very rarely, and never on the massive scale of the preceding examples. In 1124, when the king was in Normandy, his English justice Ralph Basset hanged or mutilated fifty men for thievery, many of whom, the Anglo-Saxon chronicler believes, were convicted unjustly.<sup>42</sup> Again, Henry of Huntingdon informs us that William count of Mortain, who broke his homage to Henry I in 1104 and became his captive in 1106, was blinded while imprisoned in the Tower of London. The story is not without its difficulties,<sup>43</sup> and blinding was

<sup>&</sup>lt;sup>37</sup>Suger, Louis VI, pp. 246-48.

<sup>&</sup>quot;David C. Douglas, William the Conqueror (London, 1964), p. 60; William of Jumièges, Gesta Normannorum Ducum, p. 126; and Warren, Henry II, p. 164.

<sup>&</sup>quot;Alfred Richard, Histoire des ducs et des comtes de Poitou, 778-1204, 2 vols. (Paris, 1903), 2:67.

<sup>&</sup>lt;sup>40</sup>Achille Luchaire, Social France at the Time of Philip Augustus, tr. E. B. Krehbiel (New York, 1967), p. 12.

<sup>&</sup>quot;Galbert of Bruges, Histoire du meurtre de Charles le Bon, ed. Henri Pirenne (Paris, 1891), pp. 92, 125-26, 128-29, and passim.

<sup>&</sup>lt;sup>42</sup>Anglo-Saxon Chronicle, A.D. 1124.

<sup>&</sup>quot;Henry of Huntingdon, Historia Anglorum, ed. Thomas Arnold, Rolls Series (London, 1879), pp. 255-56. After Henry I's death, William of Mortain is reported to have become a monk of Bermondsey Abbey, London, on which occasion nothing is said about his being blind; but this information comes from a brief notice in the Bermondsey Annals, a very late source (Annales Monastici, ed. H. R. Luard, Rolls Series, 5 vols. [London, 1864-69], 3:436). The Bermondsey Annals likewise report that William was freed c. 1118 (p. 432), but even if this is correct, he was back in the Tower of London in 1129-30 (Pipe Roll 31 Henry I, ed. Joseph Hunter, rev. ed. [London, 1929], p. 143).

indeed a traditional penalty for treason. 4 But if the deed was done, and done secretly and without legal proceedings, Henry I must bear responsibility. Although less inclined to outbursts of brutality than Henry II, Louis VII, Richard the Lion-Hearted, William the Conqueror, or-above all-Louis VI, Henry I was capable of acts of cruelty. So, too, were innumerable other successful rulers of premodern states across the globe. We can, if we choose, judge them by the standards of modern Western liberalism and deplore them all. But before drawing conclusions about the character or psychological oddities of a pre-modern prince, we must view his deeds in the context of his own age, evaluate them by contemporary standards and contemporary ideas of what was required of a good prince. In doing so, we are confronted with new and interesting problems. For one, medieval writers viewed their society with a pervasive if largely unconscious sense of class distinction: to mutilate poor thieves was a very different matter than to blind the count of Mortain. Aristocrats of the twelfth century would be inclined to rejoice at the execution of a rebellious townsman, but would be shocked at the execution of a rebellious earl. Or again, severity towards traitors and false minters could be seen as the proper response of a peacekeeping prince, whereas the pointless torturing of helpless captives was viewed as an act of wickedness. Henry I is known to have punished by mutilation on a number of occasions during his long and well-recorded reign. I do not intend here to analyze these instances one by one, but only to urge that each of them be interpreted with caution and in proper context. If that is done, it becomes quite clear that Henry I did not punish for the sheer pleasure of it, or for reasons of vengeance alone, or out of a morbid dislike of personal affronts. He is reported to have acted harshly on some occasions, but mercifully on others in virtually every instance his primary consideration appears to have been the survival of his regime and the keeping of the peace. His punishments provide us no real insight into his psyche or moral character—except to suggest that he was a monarch not to be trifled with. One would have thought twice before violating one's fealty to Henry I. But even this point must not be exaggerated. To view his rule as a reign of terror is to miss its central point—that he based his success on the creation of a royalist baronage, bound to him not by fear so much as by gratitude for past favors and the hope of future ones. In short, with one or two exceptions—William of Mortain and Ralph Basset's thieves—mutilations under Henry I seem to have been

<sup>&</sup>quot;William the Conqueror blinded many of the men who rebelled against him in 1075. See Henry of Huntingdon, *Historia Anglorum*, p. 206.

generally condoned and often applauded as appropriate to the customs of war and the sacred duties of the peacekeeping king. 45

To illustrate this point, let me return now to the story with which I began—Henry I's reply to Charles the Good of Flanders justifying the blinding of three rebel knights. It must be understood that Count Charles was not questioning the penalties traditionally assessed against traitors and slanderers. Any notion that Charles was a harbinger of modern penology should be dispelled by the fact that he himself had threatened a disturber of church lands with being boiled in a cauldron—a punishment that his predecessor Baldwin VII had actually imposed. 6 Charles' point was that one could not justly mutilate captives "taken in the service of their lords." Some would have disagreed with this strict interpretation of the law—Suger for one. Nevertheless, Henry addressed himself convincingly to the objection. Two of the three captives were in fact Henry's own vassals. The third—Luke de la Barre—was doubly guilty. He had violated a fundamental custom of medieval warfare: that besieged garrisons, if permitted to depart their castles unharmed, must fight no more against the besieger.<sup>47</sup> Luke, on leaving Pont Audemer, had immediately rejoined Henry's enemies; and by singing his comic songs, he had committed the capital offense of slander against the king's person. Henry's arguments would have carried the day—if in fact he actually uttered them. More probably, the entire scene is a set-piece with invented conversation, intended by Orderic to make clear to his readers that Henry's treatment of the three offenders was beyond reproach. Orderic has Henry conclude his case against Luke de la Barre with these words:

God has now delivered him into my hands for punishment, so that he may be compelled to renounce his wicked behavior, and so that others, hearing of this punishment of his outrageous conduct, may be corrected.<sup>42</sup>

<sup>&</sup>lt;sup>4</sup>Such, I suggest, is the purport of such passages as Orderic Vitalis, *Historia Ecclesiastica*, 4:167 and 337; William of Malmesbury, *Gesta Regum*, 2:487-88; and Henry of Huntingdon, *Historia Anglorum*, p. 311. For the usual response to an enemy's mutilation of hostages and prisoners, see F. M. Powicke, *The Loss of Normandy*, 2nd. ed. (Manchester, 1961), pp. 243-44.

<sup>&</sup>quot;Herman of Tournai, Liber de' restauratione monasterii S. Martini Tornacensis, ed. G. Waitz, in Monumenta Germaniae Historica, Scriptores, 14:285. See Murder of Charles the Good, ed. Ross, pp. 17, 20 and 45 for Charles' views on crime and punishment. On his attitude toward treason and slander, see Galbert, Histoire de meurtre du Charles le Bon, p. 14.

<sup>&</sup>lt;sup>47</sup>On this tradition, see Powicke, Loss of Normandy, p. 245.

<sup>&</sup>quot;Orderic Vitalis, Historia Ecclesiastica, 4:461.

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Orderic is clearly saddened by the whole tragic episode, but his justification of Henry's measures would have been persuasive to contemporaries even if not to us: "On hearing it," Orderic concludes, "the count of Flanders said nothing, because he had no reasonable objections to offer."